

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MASSACHUSETTS

MORCOUS MORGAN, and	)	
ERIEN IBRAHIM,	)	
Petitioners,	)	
	)	Civil Action 04-11017-RCL
v.	)	
	)	
JOHN ASHCROFT, MICHAEL GARCIA,	)	
BRUCE CHADBOURNE, and	)	
ANDREA CABRAL,	)	
Respondents.	)	

**RESPONDENTS' NOTICE OF SUPPLEMENTAL AUTHORITY IN  
OPPOSITION TO THE PETITIONER'S MOTION FOR RELEASE**

On September 1, 2004, Morcous Morgan ("Petitioner"), filed an "Emergency Motion for Release From Custody" contending that the United States lacked the authority to detain him pending removal in excess of ninety days. See Petitioner's Emergency Motion for Release, p. 2 ("Emergency Motion"). The Respondents filed an opposition to the Emergency Motion for Release on September 15, 2004.

As grounds for the requested relief, the Petitioner relied substantially upon the District Court's opinion in Arevalo v. Ashcroft, 260 F.Supp.2d 347 (D. Mass. 2003). At the time of Respondent's filing, an appeal of that decision was pending before the First Circuit Court of Appeals.

On October 5, 2004, the First Circuit Court of Appeals issued its opinion. While the First Circuit dismissed the appeal as moot (the underlying order of removal having been vacated during the pendency of the appeal), it nevertheless directed the District Court to vacate its opinion granting habeas relief. See Arevalo v. Ashcroft, --- F.3d ---, 2004 WL 2222370 (1<sup>st</sup> Cir. 2004) (per curiam).

Respectfully Submitted,

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